

South Dakota Science and Technology Authority Board of Directors
Special Telephonic Meeting Minutes
Tuesday, November 13, 2018
Lead, South Dakota

The Board of Directors of the South Dakota Science and Technology Authority (SDSTA) convened at 12:00 p.m. Mountain Time (MT) on Tuesday, November 13, 2018, via teleconference. Listening posts for the public were established at the office of the SDSTA at 630 E. Summit Street, Lead, South Dakota, and at the Dolly-Reed Plaza in the Treehouse conference room, 711 East Wells Avenue, Pierre, South Dakota.

MEMBERS OF THE BOARD IN ATTENDANCE BY TELEPHONE

Vice-Chairperson Dana Dykhouse
Mr. Roger Musick
Chairperson Casey Peterson
Secretary/Treasurer Patricia Lebrun
Vice-Chairperson Ron Wheeler
Dr. Robert Wilson
Dr. James Rankin, *ex-officio member*

MEMBERS OF THE BOARD ABSENT

Dr. Ani Aprahamian

SDSTA STAFF IN ATTENDANCE

Mr. Tim Engel, Legal Counsel (by phone)
Mr. Mike Headley, Executive Director
Ms. Mandy Knight, Administrative Services Manager
Ms. Constance Walter, Communications Director
Ms. Natasha Wheeler, Administrative Assistant

GUESTS IN ATTENDANCE

Mr. Alex Portal, Black Hills Pioneer Journalist

ITEM 1. CALL TO ORDER

Chair Peterson called the meeting to order at 12:00 p.m. (MT). Chair Peterson declared a quorum was present, consisting of board members Mr. Dykhouse, Ms. Lebrun, Mr. Musick, Chairperson Peterson, Mr. Wheeler and Dr. Wilson. Dr. Aprahamian was absent.

Chair Peterson asked participants at the listening posts in Pierre and Lead to identify themselves. There was no response at the Pierre listening post. SDSTA staff listed above were present at the Lead office, except SDSTA Legal Counsel Mr. Tim Engel who joined by phone. Mr. Alex Portal from the Black Hills Pioneer newspaper was also present.

ITEM 2. APPROVE AGENDA

Chair Peterson asked for a motion to approve the agenda.

Motion by Mr. Dykhouse and second by Mr. Musick to approve the agenda as presented. By roll call vote, the motion passed unanimously.

ITEM 3. DISCUSS REPLACEMENT EASEMENT

Mr. Engel explained that a past donation from Homestake Mining Company included an easement for SDSTA access across Ellison Hill and at a specific point of the Open Cut edge, as well as placement of excavated rock at the throat of the Open Cut. Since then, SDSTA has purchased the Ellison Hill property, eliminating the need for the easement across that property. The design of the conveyer system has also evolved, eliminating the need for the easement around the edge of the Open Cut. The replacement easement allows for a disposal site near the City of Lead tennis courts.

Mr. Engel said a replacement easement avoids the need to create amendments to an existing easement. It will provide Homestake Mining Company additional reassurances about the volume of rock being excavated and also provide SDSTA with assurances that the required pollution liability insurance will be covered by the existing policy.

Aside from these changes, Mr. Engel noted the Replacement Easement is similar to the existing easement. He added that he and Mr. Headley have reviewed the Replacement Easement and recommended approval from the board, along with authorization for Chair Peterson to sign the agreement.

Dr. Wilson asked about the date of the original easement, which Mr. Headley confirmed was signed in October of 2015. Further questions by Dr. Wilson concerning Kiewit/Alberici Joint Venture (KAJV) references led to clarification by Mr. Headley, who noted the easements are separate from the land use agreements. The easements allow access for SDSTA, while the land use agreements extend that access to specified contractors. Mr. Engel elaborated to three separate easements including the Homestake Mining Company Open Cut access agreement, the City of Lead property access agreement, and the agreement allowing access through a small portion of land owned by the Lopez family. The land use agreements then extend those SDSTA easement rights to KAJV contractors for the installation, operation and maintenance of the conveyance system.

Motion by Mr. Wheeler and second by Mr. Musick to approve the Agreement for Termination of Easements and Grant of Replacement Easement, as presented, and authorize Chair Peterson to sign. By roll call vote, the motion passed unanimously.

ITEM 4. DISCUSS LETTER OF AGREEMENTS WITH HOMESTAKE MINING COMPANY, THE CITY OF LEAD AND THE LOPEZES

Mr. Engel explained that the land use agreements transfer certain rights under the easements to KAJV to install, operate and maintain the conveyer. The three land use agreements include one for Homestake Mining Company, the City of Lead and the Lopez Property. Homestake Mining Company has given preliminary oral approval of the agreement relating to the Open Cut; formal approval is expected to be granted. The City of Lead is scheduled to give consent at a city commission meeting later this month, and the Lopez Agreement does not require consent, but notification has been provided to the family and no concerns have been expressed. Mr. Engel noted all three agreements are similar in content and recommended board approval of all three agreements in one vote.

Mr. Engel and Mr. Headley also noted that the conveyer route has been established, but not finalized and the ultimate route may deem the Lopez Land Use Agreement unnecessary.

Motion by Mr. Musick and second by Ms. Lebrun to approve the Facility and Land Use Agreements involving property owned by Homestake Mining Company, the City of Lead and Steve Lopez and Erin Lopez, as presented and to authorize Chairperson Peterson to sign. By roll call vote, the motion passed unanimously.

ITEM 5. PUBLIC COMMENTS

Chairperson Peterson asked if there were any questions or comments from the public. There were none.

ITEM 6. ADJOURN

Chair Peterson reminded board members the next regularly scheduled board meeting will be held on Thursday, December 13 at 9 a.m. (MT) in the Education and Outreach Building. He called attention to the 2019 Winter Social in February and encouraged board members to attend, and then called for a motion to adjourn.

Motion by Mr. Musick and second by Mr. Dykhous to adjourn. By roll call vote, the motion passed unanimously.

Meeting adjourned at 12:17 p.m. (MT) on November 13, 2018.